

Health

Spring 2007

Accessing health care

Refugees and people with Humanitarian Protection or Discretionary Leave¹ and anyone who is an asylum seeker² is fully entitled to register with a GP and to access all NHS services. This includes:

- Medical treatment (primary and secondary care)
- Dental treatment
- Sight tests
- Prescriptions

- Family planning services are free to all (regardless of immigration status) under the Charges to Overseas Visitors Regulations.

Information is given later in this document regarding entitlement to NHS healthcare for refused asylum seekers who have exhausted all appeal rights (thus at the 'end of process').

Note: Currently, there is a review of the rules governing access to the NHS by foreign nationals (including refused asylum seekers who have exhausted all appeal rights). The review will be completed by October 2007.

➤ For more information see www.dh.gov.uk/asylumseekers

What to do if...

My client is an asylum seeker who has been refused asylum but is appealing the decision?

Asylum seekers who have had their initial asylum application refused and are appealing the decision are entitled to primary and secondary care as above.

¹ Refugees and people with Humanitarian Protection or Discretionary Leave are covered under Department of Health policies relating to those considered 'ordinarily resident' in the UK.

² An asylum seeker is anyone who has made a formal application with the Home Office for leave to remain as a refugee, for as long as that application, including any appeals, is under consideration. Thus, those who have exhausted all appeal rights are not fully entitled to NHS services. See section below for more information.

My client was denied Border & Immigration Agency (BIA) asylum support under Section 55?

Asylum seekers denied support under Section 55 are entitled to primary and secondary care as above. However, they will not automatically be issued with an HC2 certificate to help with statutory charges.

- An adviser or health worker should encourage their client to apply for an HC2 certificate and may need to help their client to complete an HC1 application form (see 'low income' query below).

Help with health costs

BIA supported asylum seekers will qualify for an HC2 certificate under the Low Income Scheme (LIS) and therefore exemption from statutory NHS charges (such as prescription charges). Asylum seekers not supported by the BIA need to apply by completing an HC1 application form.

Anyone with a low income can apply for a HC2 certificate under the Low Income Scheme (LIS), regardless of their immigration status. However, an HC2 certificate itself does not entitle the holder to NHS treatment. Once entitlement to NHS treatment has been determined and a patient accepted for NHS treatment, an HC2 certificate may be used to help with the cost of statutory NHS charges (such as prescription charges).

What to do if...

My client is an asylum seeker supported by BIA?

Asylum seekers supported by the BIA, including those who are in receipt of subsistence support only, are issued with a six-month (renewable) HC2 full exemption certificate. This is issued by the BIA on behalf of the Department of Health and exempts the holder from having to pay statutory NHS charges including:

- Prescription charges
- NHS dental charges
- Eye tests.
- Full value NHS vouchers towards the cost of glasses and contact lenses; travel to hospital for NHS treatment; wigs and fabric supports.

The HC2 certificate is given to applicants as part of their BIA dispersal pack, or if not dispersed, once they are able to receive their ARC payments.

- For more information, see the Department of Health website: www.dh.gov.uk > Policy and guidance > Medicines, pharmacy and industry > prescriptions and prescribing > NHS costs and exemptions. Or, click on www.dh.gov.uk/helpwithhealthcosts

My client has refugee status/HP/DL and receives income support?

Those who are in receipt of Income Support do not need to complete an HC1 application form, they are eligible for automatic help with health costs.

My client has a low income and needs help with statutory NHS charges?

Refugees, people with HP/DL and asylum seekers with a low income who are not supported by BIA, can apply for a HC2 certificate under the Low Income Scheme (LIS) by completing an HC1 'Claim for help with health costs' form and sending it to the Prescription Pricing Division (PPD). Following an assessment of their eligibility if they are deemed to have insufficient resources they will be sent a HC2 certificate for full help with statutory NHS charges

- Forms are available from JobCentre Plus offices, some NHS hospitals, GP surgeries, dental surgeries or opticians. You can also telephone PPD on 0845 850 1166 or visit www.ppa.org.uk/ppa/low_income.htm

My client is on benefits?

Only Income Support, Income-based Jobseeker's Allowance and Pension Credit Guarantee Credit provide automatic help with health costs. Other benefits, such as Incapacity Benefit or Disability Living Allowance, don't entitle a person to help with health costs. This is because they are not income related. People in receipt of benefits which do not provide automatic help with health costs can apply under the Low Income Scheme (LIS) for a HC2 certificate, as above.

My client's HC2 form has expired?

Each HC2 certificate is valid for six months and a new application must be made when this period is up.

- If your client receives BIA support, you should notify the BIA by calling the your local BIA office (see [Contacts](#)). If your client is part of the NAM process, s/he should contact his/her Case Owner.
- If your client is not supported by BIA, s/he will need to complete an HC1 application form as above.

My client has no money to travel for treatment?

Asylum seekers and people with HP/DL or refugee status may be able to get help with travel costs to and from the hospital at each visit.

- The patient should show either an HC2 certificate or a letter showing they are in receipt of certain qualifying benefits.
- If they do not have an HC2 and do not have enough money to get to a hospital, they can approach the hospital to ask for payment in advance.
- People with HP/DL or refugee status can also go to their local Jobcentre Plus office for a Social Fund crisis loan.

Registering with a GP practice

Asylum seekers should register with a GP practice as soon as practically possible. A list of practices available by area can be found on the NHS website (in England, www.nhs.uk), at a main post office, a library or in the telephone directory. Asylum seekers can also approach dentists and opticians directly for treatment.

What can I do if...

My client is an asylum seeker and is having difficulty accessing a GP?

A client who is having difficulty being accepted onto a GP practice list should contact their local primary care trust (PCT) or strategic health authority for help and advice. Where necessary the PCT will allocate him/her to a GP practice.

- To find your local primary care trust, go to www.nhs.uk > authorities and trusts > primary care trusts > search by town/city, postcode

- To find your strategic health authority, go to www.nhs.uk > authorities and trusts > strategic health authority > search by listing or name
- S/he can also contact the local OSS service provider for assistance (such as Refugee Council – see [Contacts](#)).

My client has been granted refugee status or HP/DL and wants to change GPs?

A client who is moving and needs assistance finding a new doctor can visit the NHS website (www.nhs.uk) or contact the local primary care trust/strategic health authorities (as above) where the client plans to move and ask for a list of practices that are accepting new clients.

Health care for asylum seekers refused asylum and at the end of process

Asylum seekers refused asylum, who have exhausted all appeals and thus are at the end of process³, are not entitled to free NHS hospital treatment unless it is for the continuation of a course of treatment already underway, which must remain free of charge until completed, or they leave the country. This is regardless of how long they have been in the UK.

Certain services are exempt from charges for everyone, regardless of their immigration status. This includes

- treatment provided solely in an Accident and Emergency Department (emergency treatment provided elsewhere in a hospital is not automatically free of charge),
- treatment of certain specified communicable diseases (although prescription charges may be payable unless exempt; HIV treatment is NOT free to all) and
- compulsory mental health treatment.

Also, flu immunisations are given to those who are in at risk categories (such as anyone over 6 months with respiratory disease such as asthma, chronic heart disease, renal disease, diabetes and immunosuppression or staying or living in long stay facilities – or who at the GPs' discretion needs to have a flu jab on a clinical need basis).

Can asylum seekers at the end of process be registered with a GP as a permanent patient?

Primary care services and NHS walk-in centres are encouraged to charge failed asylum seekers at the end of process for routine treatments, however local GP practices have the discretion to register anyone as a permanent NHS patient regardless of immigration status.

My client is an asylum seeker at the end of process but needs urgent medical treatment?

GPs have an obligation to treat anyone whose need for treatment is immediately necessary or where there is a need for emergency treatment, irrespective of their eligibility for free treatment or ability to pay.

Hospital emergencies or treatment which is immediately necessary, to prevent a condition becoming life threatening, should always be given if required even if the patient is unable to pay. However, if because of the patient's immigration status, the treatment given would normally be chargeable,

³ These clients are often referred to as 'failed asylum seekers'.

health services such as hospitals are expected to bill the patient. Further pursuit to recover the payment from clients earning no income is at the discretion of the trust.

- In such cases, it is advisable for the patient to notify the hospital upon receipt of the first bill that they do not have the funds to pay for the treatment course.
- As an advisor, discuss the possibility of being charged for treatment so your client is prepared for the event if it occurs.

My client is an asylum seeker at the end of process but needs to be treated at a hospital?

Any course of hospital treatment already underway at the time when an asylum seeker's claim, including any appeals, is finally rejected should remain free of charge until completion – this includes treatment for HIV/AIDS and maternity services. It will be a matter for clinical judgement as to when a particular course of treatment has been completed.

Any new course of hospital treatment begun after an asylum claim is finally rejected (including appeal), will be chargeable (unless the treatment itself is exempt under the provisions of the NHS (Charges to Overseas Visitors) Regulations 1989, as amended, such as TB).

My client is an asylum seeker at the end of process who is pregnant?

Maternity services, including all antenatal treatment and delivery, should always be classed as 'immediately necessary treatment' and provided even if the pregnant woman is unable to pay in advance. As with other immediately necessary treatment, however, the patient remains chargeable and reasonable steps may be taken to recover the fee.

- In such cases, it is advisable for the patient to notify the hospital upon receipt of the first bill, that they do not have the funds to pay for the treatment course.
- As an advisor, discuss the possibility of being charged for treatment so your client is prepared for the event if it occurs.

Maternity services can include treatment to prevent transmission of HIV/AIDS from mother to child if considered clinically appropriate.

My client is an asylum seeker at the end of process and needs access to HIV/AIDS services?

With HIV/AIDS related services, only the initial test and counselling is free to all.

Asylum seekers at the end of process are required to pay the full costs, including drugs, of any HIV treatment beyond the initial test and counselling. Where a person has been identified as chargeable for HIV/AIDS treatment a HC2 (certificate for full help with health costs) is not applicable and the full cost of the drugs should be recovered from them.

Note: A client who was receiving treatment for HIV/AIDS before exhausting all appeal rights is entitled to continue that course of treatment free of charge. In addition, the guidelines regarding immediately necessary treatment apply equally to HIV/AIDS treatment.

My client is an unsuccessful asylum seeker at the end of process and is receiving section 4 support?

Receipt of Section 4 support does not alter entitlement to access NHS treatment. The restrictions listed previously for asylum seekers at the end of process also apply to those receiving section 4 support.

My client and I are unsure whether or not s/he is entitled to a specific health treatment?

- See the NHS briefing on entitlements to health care for asylum seekers: www.dh.gov.uk > policy and guidance > international > asylum seekers and refugees > entitlements to NHS treatment (March 2006)
- See also *Implementing the Overseas Visitors Hospital Charging Regulations - Guidance for NHS Trust Hospitals in England* for more information about when Trusts should charge, see: www.dh.gov.uk > publications > publications and statistics > publications > policy and guidance publications

If the information in this support pack or on the Department of Health leaflets above do not answer your query, or if you have further questions, contact Justine Osborne of the Department of Health Asylum Seeker and Refugee Team on 0113 254 6605, or Justine.Osborne@dh.gsi.gov.uk

Claiming refunds

Patients who are entitled to free NHS health services but have already paid for them can reclaim their money.

- For refund for prescriptions, your client should ask the chemist for receipt form FP57 when the payment is made and make the refund claim within three months of purchase.
- For refund of fees for dental treatments, NHS wigs and fabric support, travel costs, sight tests or help towards the cost of glasses or contact lenses, your client will need to ask for a receipt and claim a refund by using form HC5, send it to the PPD (see http://www.ppa.org.uk/ppa/low_income.htm) within 3 months of delivery of service/purchase.

Funeral payments

BIA does not make any contributions towards the cost of funerals of deceased asylum seekers or towards the cost of repatriating the body of the deceased.

- See BIA policy bulletin 59 for more information: www.ind.homeoffice.gov.uk > applying > asylum > asylum support policy bulletins

Asylum seekers and refugees who are in receipt of income support, job seekers' allowance, housing benefit, council tax benefit, working families' tax credit or disabled persons' tax credit are eligible to apply for a funeral payment from the Social Fund. Asylum seekers are not eligible to apply for a Social Fund payment to meet the cost of a funeral unless they are in receipt of one of the relevant social security benefits.

If a death occurs in hospital assistance is available from the National Health Service (NHS) Trust. Relatives and friends will have the opportunity to let the NHS Trust provide a suitable funeral if they are not able to afford the cost themselves or do not qualify for Social Fund Funeral Payments. The NHS Trust will also take responsibility for the funeral of a person who dies in hospital and for whom no relatives can be traced.

If a death occurs other than in hospital the local council (environmental health department) has a duty to ensure the deceased is buried or cremated respectfully, where no other arrangements have or are being made.

Both the NHS and the local authority retain the right to make a claim for the costs of the funeral from the deceased's estate.

Further resources

NHS briefing on entitlements to health care for asylum seekers

www.dh.gov.uk > policy and guidance > international > asylum seekers and refugees > entitlements to NHS treatment (March 2006)

NHS Direct

0845 4647 (For England and Wales)

NHS Direct operates a 24-hour telephone advice and health information service staffed by qualifying nurses. The NHS Direct website also has health information and information on the health service:

www.nhsdirect.nhs.uk

www.harpweb.org.uk

Health for Asylum Seekers and Refugees Portal website. On-line health information for health professionals and voluntary agencies working with refugees and asylum seekers.

First do no harm: denying healthcare to people whose asylum claims have failed

June 2006. Refugee Council research paper. See www.refugeecouncil.org.uk > policy and research > Refugee Council policy positions > 2006 > denying healthcare

Language Line

020 7520 1400 (enquiries)

0800 783 3503 (business sales line)

24-hour commercial telephone interpreting service.